



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

BETH NAGUSKY  
ACTING COMMISSIONER

MEMORANDUM

TO: Board of Environmental Protection

FROM: Michael Karagiannes, Bureau of Air Quality

DATE: October 7, 2010

RE: Proposed Amendments: Chapter 100 Definitions Regulation

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**Statutory and Regulatory Reference:**

A. Statutory authority.

38 MRSA Section 585-A provides that the Board of Environmental Protection "may establish and amend regulations to implement ambient air quality standards and emission standards. These regulations shall be designed to achieve and maintain ambient air quality standards and emission standards within any region and prevent air pollution."

B. Specific legal mandates requiring adoption.

The Clean Air Act requires states to develop the U.S. Environmental Protection Agency (EPA)-approved implementation plans that include requirements for issuing air permits. When federal permitting requirements change, as they did after EPA finalized the greenhouse gases (GHGs) Tailoring Rule, states may need to modify these plans.

**Location/Applicability:**

The proposed amendments will apply in all areas of the state.

**Description:**

The Clean Air Act requires states to develop an EPA-approved state implementation plan (SIP) that include requirements for issuing air permits. When federal permitting requirements change, as they did after EPA finalized the GHG Tailoring Rule, states may need to modify these plans.

On May 13, 2010, the EPA issued a final rule that addresses greenhouse gas emissions from stationary sources under the Clean Air Act permitting programs. This final rule sets thresholds for GHG emissions that define when permits under the New Source Review,

Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities. The Department is proposing to amend its Chapter 100 Definitions Regulations by adding definitions of greenhouse gases and CO2 equivalent emissions, thereby allowing Maine to implement its major source licensing program for greenhouse gases. These proposed amendments include updating the Department's definitions to include greenhouse gases (GHGs). The following gases, both individually and collectively: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride are defined as greenhouse gases. These gases have been similarly listed in federal regulation at 40 CFR Part 51. In addition, the Department is clarifying several other definitions. Whenever possible, the definitions in Chapter 100 are consistent with those in federal law and regulations.

**Environmental Issues:**

There is scientific consensus that the increase in anthropogenic emissions of greenhouse gases is enhancing the natural greenhouse effect resulting in changes in the Earth's climate. Climate change poses serious potential risks to human health and terrestrial and aquatic ecosystems globally and in the state; more severe weather events; atmospheric warming resulting in increased concentrations of ground-level ozone and associated health effects; change in forest composition; increases in habitat for disease-carrying insect and other vectors; increase in algal blooms; sea level rise that threatens coastal communities and infrastructure and increased incidence of storm surges and flooding which could lead to soil and beach erosion.

**Departmental Recommendation:**

The Department recommends that the Board post the proposed amendments to a 30-day public comment period with the opportunity to request a public hearing.

**Estimated Time of Presentation:**

10 minutes.